

DEPARTMENT OF FISH AND GAME

BAY DELTA REGION

(707) 944-5520

Mailing address:

POST OFFICE BOX 47

YOUNTVILLE CALIFORNIA 94599

Street address:

7329 SILVERADO TRAIL

NAPA CALIFORNIA 94558



May 6, 2009

Jeffrey Jensen
California Department of Transportation
111 Grand Avenue
Oakland, CA 94623

Notification Number: 1600-2008-0451-3

1602 LAKE AND STREAMBED ALTERATION AGREEMENT

This agreement is issued by the Department of Fish and Game pursuant to Division 2, Chapter 6 of the California Fish and Game Code:

WHEREAS, the Applicant, Jeffrey Jensen/California Department of Transportation, submitted a signed NOTIFICATION proposing to substantially divert or obstruct the natural flow of, or substantially change the bed, channel, or bank of, or use material from the streambed or lake of the following water: Champlin Creek, located in the County of Sonoma, State of California; and

WHEREAS, the Department has determined that such operations may substantially adversely affect existing fish and wildlife resources including water quality, hydrology, aquatic or terrestrial plant or animal species; and

WHEREAS, the project has undergone the appropriate review under the California Environmental Quality Act; and

WHEREAS, the Applicant shall undertake the project as proposed in the signed PROJECT DESCRIPTION and PROJECT CONDITIONS (attached). If the Applicant changes the project from that described in the PROJECT DESCRIPTION and does not include the PROJECT CONDITIONS, this agreement is no longer valid; and

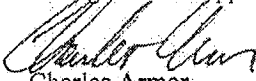
WHEREAS, the agreement shall expire on December 31, 2013; with the work to occur between June 15 and October 15; and

WHEREAS, nothing in this agreement authorizes the Applicant to trespass on any land or property, nor does it relieve the Applicant of the responsibility for compliance with applicable Federal, State, or local laws or ordinances. Placement, or removal, of any material below the level of ordinary high water may come under the jurisdiction of the U. S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act;

THEREFORE, the Applicant may proceed with the project as described in the PROJECT DESCRIPTION and PROJECT CONDITIONS. A copy of this agreement, with attached PROJECT DESCRIPTION and PROJECT CONDITIONS, shall be provided to contractors and subcontractors and shall be in their possession at the work site.

Failure to comply with all conditions of this agreement may result in legal action.

This agreement is approved by:


Charles Armor
Regional Manager
Bay Delta Region

cc: Melissa Escaron
Warden Georges
Lieutenant Riskc

FOR DEPARTMENT USE ONLY				
Project Number	Project Description	Project Date	Project Location	Project Status
9/22/08	29,300.00			1000-2008-0451-3



OK# 082-265089
CA Dept of Transportation

STATE OF CALIFORNIA

DEPARTMENT OF FISH AND GAME

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Escaron
Georges
Risks



Complete EACH field, unless otherwise indicated, following the enclosed instructions and submit ALL required enclosures. Attach additional pages, if necessary.

1. APPLICANT PROPOSING PROJECT

Name	Jeffrey G. Jensen, Office Chief of Biological Sciences and Permits			FISH & GAME
Business/Agency	California Department of Transportation (Caltrans) District 4			SEP 22 2008
Street Address	111 Grand Ave.			YOUNTVILLE
City, State, Zip	Oakland CA 94623			
Telephone	(510) 622-8729	Fax	(510) 286-6374	
Email	jeffrey.jensen@dot.ca.gov			

2. CONTACT PERSON (Complete only if different from applicant)

Name	Christopher Stiles, Senior Biologist, Office of Biological Sciences and Permits		
Street Address	111 Grand Ave.		
City, State, Zip	Oakland CA 94623		
Telephone	(510) 286-7185	Fax	
Email			

3. PROPERTY OWNER (Complete only if different from applicant)

Name			
Street Address			
City, State, Zip			
Telephone		Fax	
Email			

4. PROJECT NAME AND AGREEMENT TERM

A. Project Name		Stage Gulch Road Curve Correction and Re-alignment Project		
B. Agreement Term Requested		<input checked="" type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)		
C. Project Term		D. Seasonal Work Period		E. Number of Work Days
Beginning (year)	Ending (year)	Start Date (month/day)	End Date (month/day)	
2009	2011	06/15	10/15	440.00

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

5. AGREEMENT TYPE

Check the applicable box. If box B, C, D, or E is checked, complete the specified attachment.

A.	<input checked="" type="checkbox"/> Standard (Most construction projects, excluding the categories listed below)	
B.	<input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A)	Mine I.D. Number: _____
C.	<input type="checkbox"/> Timber Harvesting (Attachment B)	THP Number: _____
D.	<input checked="" type="checkbox"/> Water Diversion/Extraction/Impoundment (Attachment C)	SWRCB Number: _____
E.	<input type="checkbox"/> Routine Maintenance (Attachment D)	
F.	<input type="checkbox"/> DFG Fisheries Restoration Grant Program (FRGP)	FRGP Contract Number: _____
G.	<input type="checkbox"/> Master	
H.	<input type="checkbox"/> Master Timber Harvesting	

6. FEES

Please see the current fee schedule to determine the appropriate notification fee. Itemize each project's estimated cost and corresponding fee. *NOTE: The Department may not process this notification until the correct fee has been received.*

A. Project		B. Project Cost	C. Project Fee
1	Stage Gulch Road Curve Correction and Re-alignment Project		
2	See Attachment A: Stream Crossing Itemization Table		
3			
4			
5			
		D. Base Fee (if applicable)	
		E. TOTAL FEE ENCLOSED	\$29,300.00

7. PRIOR NOTIFICATION OR ORDER

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, the Department for the project described in this notification?

☐ Yes (Provide the information below) ☒ No

Applicant: _____ Notification Number: _____ Date: _____

B. Is this notification being submitted in response to an order, notice, or other directive ("order") by a court or administrative agency (including the Department)?

☒ No ☐ Yes (Enclose a copy of the order, notice, or other directive. If the directive is not in writing, identify the person who directed the applicant to submit this notification and the agency he or she represents, and describe the circumstances relating to the order.)

☐ Continued on additional page(s)

8. PROJECT LOCATION

A. Address or description of project location.

(Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway)

Caltrans is proposing a roadway improvement project in Sonoma County consisting of roadway widening, curve correction, and partial re-alignment of State Route 116 between post miles 41.8 and 44.7. The project extends from west from Arnold Drive to Adobe Road between the cities of Sonoma and Petaluma.

Driving directions: SR 101 north from San Francisco, take SR 116 east to the project site starting at post mile 41.8

See Attachment B: Project Location Map

☒ Continued on additional page(s)

B. River, stream, or lake affected by the project, Champlin Creek

C. What water body is the river, stream, or lake tributary to? San Pablo Bay

D. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts? ☐ Yes ☒ No ☐ Unknown

E. County Sonoma County

F. USGS 7.5 Minute Quad Map Name G. Township H. Range I. Section J. 1/4 Section

Petaluma River, Glen Ellen, Sears Point, Sonoma

5N

4W-5W

☐ Continued on additional page(s)

K. Meridian (check one)

☐ Humboldt ☒ Mt. Diablo ☐ San Bernardino

L. Assessor's Parcel Number(s)

See Attachment C

☒ Continued on additional page(s)

M. Coordinates (If available, provide at least latitude/longitude or UTM coordinates and check appropriate boxes)

Latitude/Longitude Latitude: 38.25598 Longitude: 122.36371
☐ Degrees/Minutes/Seconds ☒ Decimal Degrees ☐ Decimal Minutes

UTM

Easting:

Northing:

☐ Zone 10 ☐ Zone 11

Datum used for Latitude/Longitude or UTM

☒ NAD 27

☐ NAD 83 or WGS 84

9. PROJECT CATEGORY AND WORK TYPE (Check each box that applies)

PROJECT CATEGORY	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR/MAINTAIN EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat dock/pier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversion structure – weir or pump intake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Filling of wetland, river, stream, or lake	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical survey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Habitat enhancement – revegetation/mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Levee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low water crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road/trail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment removal – pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary stream crossing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility crossing: Horizontal Directional Drilling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jack/bore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Open trench	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. PROJECT DESCRIPTION

A. Describe the project in detail. Photographs of the project location and immediate surrounding area should be included.

- Include any structures (e.g., rip-rap, culverts, or channel clearing) that will be placed, built, or completed in or near the stream, river, or lake.
- Specify the type and volume of materials that will be used.
- If water will be diverted or drafted, specify the purpose or use.

Enclose diagrams, drawings, plans, and/or maps that provide all of the following: site specific construction details; the dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; an overview of the entire project area (i.e., "bird's-eye view") showing the location of each structure and/or activity, significant area features, and where the equipment/machinery will enter and exit the project area.

See Attachment D: Project Description

☐ Continued on additional page(s)

B. Specify the equipment and machinery that will be used to complete the project.

Typical equipment that will be used to complete the proposed construction would include the Following: excavator, loader, backhoe, dump truck, concrete mix truck, grader, gradall (articulating 4WD extendable forklift), semi truck with bottom dump trailer, pickup truck (standard, flatbed, stake side), vibrating roller, hand operated soil compactor, various hand tools (shovel, hammer, etc)

☐ Continued on additional page(s)

C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B).

☒ Yes ☐ No (Skip to box 11)

D. Will the proposed project require work in the wetted portion of the channel?

☒ Yes (Enclose a plan to divert water around work site)
☐ No

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

11. PROJECT IMPACTS

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

See Attachment E: Project Impacts

☒ Continued on additional page(s)

B. Will the project affect any vegetation? ☒ Yes (Complete the tables below) ☐ No

Vegetation Type	Temporary Impact	Permanent Impact
Oak-Bay Riparian Woodland	Linear feet: 1029ft Total area: 0.16 ac	Linear feet: 1354ft Total area: 0.18ac
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)
Oak	218	4"-38"
other California native trees	37	4"-12"
other non-native species	6	4"-36"

☐ Continued on additional page(s)

C. Are any special-status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

☒ Yes (List each species and/or describe the habitat below) ☐ No ☐ Unknown
California red-legged frog (see attachment F: Biological Assessment for California red-legged frog)

☒ Continued on additional page(s)

D. Identify the source(s) of information that supports a "yes" or "no" answer above in Box 11.C.

see attachment F: Biological Assessment for California red-legged frog

☒ Continued on additional page(s)

E. Has a biological study been completed for the project site?

☒ Yes (Enclose the biological study) ☐ No

Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.

F. Has a hydrological study been completed for the project or project site?

☐ Yes (Enclose the hydrological study) ☒ No

Note: A hydrological study or other information on site hydraulics (e.g., flows, channel characteristics, and/or flood recurrence intervals) may be required to evaluate potential project impacts on hydrology.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

A. Describe the techniques that will be used to prevent sediment from entering watercourses during and after construction.

Use of standard BMP's and implementation of a SWPPP. Use of ESA's to limit work area. Construction of temporary stream crossing, culverts and, in stream restoration work limited to summer dry season (June 15 to Oct.15). See Attachment G: Project Impact Minimization Measures

☒ Continued on additional page(s)

B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.

The project has avoided and reduced impacts to Champlin Creek and surrounding habitat through scoping changes that realigned the proposed roadway. Other minimization elements included working in the creeks only in the dry season, minimum access routes, proscribed equipment staging areas away from creeks, no open pits greater than 2ft without inspections and ramping for small animal egress, designated fueling area away from all waters and riparian areas, invasive plant removal, no project material left on site (trash pickup, construction spoils, etc.), replanting of temporary construction areas, use of ESA's (high visibility orange fencing) gravity flow open channel dewatering, standard Caltrans BMP's & SWPPP measures.

☐ Continued on additional page(s)

C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.

Replanting of trees on site, stream enhancements along Champlin Creek to the north and south of the transfer station culvert replacement. Creek modifications to include a stilling basin, ponding area, and an additional high flow channel parallel to the creek. See Attachment I: Stream Restoration Plan.

☒ Continued on additional page(s)

13. PERMITS

List any local, state, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

- | | | | |
|----|---|---|--|
| A. | USFWS Biological Opinion & NMFS Letter of Concurrence | <input type="checkbox"/> Applied | <input checked="" type="checkbox"/> Issued |
| B. | USACE 404, RWQCB 401 | <input checked="" type="checkbox"/> Applied | <input type="checkbox"/> Issued |
| C. | | <input type="checkbox"/> Applied | <input type="checkbox"/> Issued |
| D. | Unknown whether <input type="checkbox"/> local, <input type="checkbox"/> state, or <input type="checkbox"/> federal permit is needed for the project. (Check each box that applies) | | |

☐ Continued on additional page(s)

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

14. ENVIRONMENTAL REVIEW

A. Has a draft or final document been prepared for the project pursuant to the California Environmental Quality Act (CEQA), National Environmental Protection Act (NEPA), California Endangered Species Act (CESA) and/or federal Endangered Species Act (ESA)?

- ☒ Yes (Check the box for each CEQA, NEPA, CESA, and ESA document that has been prepared and enclose a copy of each)
☐ No (Check the box for each CEQA, NEPA, CESA, and ESA document listed below that will be or is being prepared)

- | | | |
|---|--|---|
| <input type="checkbox"/> Notice of Exemption | <input checked="" type="checkbox"/> Mitigated Negative Declaration | <input checked="" type="checkbox"/> NEPA document (type): <u>CE</u> |
| <input checked="" type="checkbox"/> Initial Study | <input type="checkbox"/> Environmental Impact Report | <input type="checkbox"/> CESA document (type): _____ |
| <input type="checkbox"/> Negative Declaration | <input type="checkbox"/> Notice of Determination (Enclose) | <input type="checkbox"/> ESA document (type): <u>BA</u> |
| <input type="checkbox"/> THP/ NTMP | <input checked="" type="checkbox"/> Mitigation, Monitoring, Reporting Plan | |

B. State Clearinghouse Number (if applicable) 2004112023

C. Has a CEQA lead agency been determined? ☒ Yes (Complete boxes D, E, and F) ☐ No (Skip to box 14.G)

D. CEQA Lead Agency California Department of Transportation

E. Contact Person Jeffery G. Jensen F. Telephone Number (510) 286-6374

G. If the project described in this notification is part of a larger project or plan, briefly describe that larger project or plan.

The creek crossings, stream restoration, and culvert modifications are part of a larger curve correction and re-alignment project on State Route 116. See Attachments J & K: Natural Environment Study and Initial Study

☒ Continued on additional page(s)

H. Has an environmental filing fee (Fish and Game Code section 711.4) been paid?

- ☒ Yes (Enclose proof of payment) ☐ No (Briefly explain below the reason a filing fee has not been paid)

Note: If a filing fee is required, the Department may not finalize a Lake or Streambed Alteration Agreement until the filing fee is paid.

15. SITE INSPECTION

Check one box only.

☐ In the event the Department determines that a site inspection is necessary, I hereby authorize a Department representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant the Department such entry.

☐ I request the Department to first contact (insert name) Caltrans Associate Biologist Robert Young
at (insert telephone number) (510) 622-1771 to schedule a date and time
to enter the property where the project described in this notification will take place. I understand that this may
delay the Department's determination as to whether a Lake or Streambed Alteration Agreement is required and/or
the Department's issuance of a draft agreement pursuant to this notification.

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

16. DIGITAL FORMAT

Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

☐ Yes (Please enclose the information via digital media with the completed notification form)

☒ No

17. SIGNATURE

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, the Department may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless the Department has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

 SIGNED FOR

Signature of Applicant or Applicant's Authorized Representative

Date

9/19/08

Jeffrey G. Jensen

Print Name

STATE OF CALIFORNIA THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME

BAY DELTA REGION
(707) 944-5520
Mailing address:
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
Street address:
7329 SILVERADO TRAIL
NAPA, CALIFORNIA 94558

ARNOLD SCHWARZENEGGER, GOVERNOR



Notification Number: 1600-2008-0451-3, Caltrans EA 283800
Champlin Creek and various unnamed tributaries, Sonoma County

California Department of Transportation

Attn: Mr. Jeffrey Jensen

111 Grand Ave.
Oakland, CA 94623

PROJECT DESCRIPTION and PROJECT CONDITIONS

Description

The California Department of Transportation (Caltrans) proposes a safety improvement project (Project) on state route (SR) 116 in Sonoma County from west of Arnold Drive to Adobe Road, between post miles 41.8 and 44.7. The Project includes roadway widening, curve correction, partial roadway re-alignment, and a partial realignment and restoration of Champlin Creek. The California Department of Fish and Game (Department) is issuing this Streambed Alteration Agreement (Agreement) for the project described herein.

Champlin Creek and its tributaries flow through the Project area. Caltrans has included several retaining walls in the Project design to minimize impacts to Champlin Creek. Fourteen stream crossings will be impacted by the proposed Project as described in documentation provided in support of this Agreement. Construction work in the stream crossings will include culvert extensions, head wall construction, culvert replacements, installation of rock slope protection (RSP), and associated earthwork. Additionally, at PM 43.13, SR 116 intersects with the Sonoma County Transfer Station road. The existing transfer station road and culverts will be removed and replaced with an improved road and a new box culvert. The culverted section of this crossing will be decreased by incorporating retaining walls. In order to facilitate this upgrade, all traffic must be diverted to a temporary culverted land bridge structure that will be built on the upstream side of the existing transfer station roadway.

Construction of the Project is scheduled to begin January 2010 and will last for approximately 36 months. Work will not be allowed in the riparian zone before June 15th or after October 15th, of any year.

Conceptual Mitigation

Champlin Creek is an intermittent creek that meanders through the project site. Caltrans shall provide onsite riparian mitigation by removing two sections of existing SR 116 roadway along Champlin Creek totaling approximately 1,450 feet. Riparian habitat within the project site is dominated by oak-bay uplands and an oak-bay riparian zone. A comprehensive Mitigation and Monitoring Plan for Champlin Creek (Plan) detailing the replacement of lost habitat through mitigation plantings and geomorphic improvements to Champlin Creek, will be submitted to the Department for approval. The Plan shall include success criteria and a 10 year monitoring period to ensure success of the riparian plantings and the geomorphic stabilization efforts.

Additionally, a stilling basin will be built to create California red-legged frog (CRLF) habitat at the downstream end of the Sonoma County Transfer roadway. The basin will be composed of RSP placed over a waterproof membrane.

Conditions

1. At least 5 months prior to construction, Caltrans shall submit to the Department for approval, a Mitigation and Monitoring Plan for Onsite Restoration Activities on Champlin Creek (Plan) detailing compensation for impacts at the habitat level.
2. Longitudinal surveys of the flowline of Champlin Creek from 100 feet downstream of the restoration area downstream limit to 100 feet upstream of the restoration area upstream limit will be performed and submitted to the Department as part of the mitigation Plan approval. A schedule for subsequent geomorphic stability analysis will be included in the Plan.
3. The Plan shall include a ten year monitoring and reporting schedule and appropriate success criteria for the revegetation and streambed realignment efforts. The Plan will include contingency measures for corrective actions should monitoring reveal that success criteria are not being met. Monitoring and reporting efforts will continue until success criteria are met, or until a new plan is developed with, and approved by, the Department.
4. If a rainfall event with an intensity equaling or exceeding the 4% annual probability of exceedance rainfall intensity occurs during the monitoring period, a longitudinal survey as described in condition #2 will be performed to assess the geomorphic condition of the restoration area following the event.
5. All work shall be done according to the project description and plans submitted to the Department. Caltrans shall notify the Department of any modifications made to the plans submitted to the Department that pertain to impacts to the creek or the riparian corridor.

6. Work within the stream/riparian corridor shall be confined to the period of June 15 to October 15. Revegetation work is not confined to this time period but must be completed in the same calendar year.
7. Each native riparian tree greater than 4 inches DBH that is removed or damaged, shall be replaced with native trees in a riparian area at a minimum 5:1 ratio. For each non-native riparian tree that is removed or damaged, trees shall be replaced with native riparian trees at a minimum 1:1 ratio. Temporarily impacted riparian understory shall be replaced at a 1:1 ratio. Trees that later die as a result of excavation or construction activities will be mitigated for at the aforementioned ratios.
8. If mitigation plantings cannot be accommodated onsite, then Caltrans shall submit an offsite mitigation planting plan for approval by the Department prior to construction.
9. To help ensure survival and vigor, Caltrans will procure replacement trees with sufficiently similar genetic composition to the impacted trees.
10. When possible vegetation will be trimmed to preserve root structures for re-sprouting.
11. RSP will be backfilled with clean soil and planted with local willow cuttings above the 2 year flood event line to the largest extent practicable.
12. Environmentally Sensitive Area (ESA) fencing shall be installed at the direction of a qualified biologist to delineate the work area and protect the surrounding habitat.
13. Prior to commencement of work within the stream zone, Caltrans shall photograph the project site. Upon completion of work activities, Caltrans shall photograph the project site at designated photo stations. Labeled copies of photographs shall be sent to the Department of Fish and Game within 5 days of completion of the project. Notification of work commencement shall be sent to the Department at P.O. Box 47, Yountville, CA 94599. Refer to Notification 1600-2008-0451-3 when notifying the Department.
14. All new culverts will be upgraded to enhance fish passage.
15. Roadbed and roadway materials from the abandoned stretch of SR 116 will be removed for disposal at an offsite, permitted location. Root systems of trees will be avoided during roadbed excavation.
16. Equipment shall not be operated in wetted areas (including but not limited to ponded, flowing, or wetland areas).
17. The work period for completing the work within the stream zone, shall be restricted to periods of low or no stream flow and dry weather. Excavation for and placement of the fill shall not begin unless a no precipitation forecast is obtained covering the entire construction phase (within the area covered in this Agreement) and the time necessary to implement erosion control.

measures. This forecast shall be documented upon request by the Department.

18. No phase of the project may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of precipitation if that construction phase may cause the introduction of sediments into the stream. After any storm event, Caltrans shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sedimentation problems and take corrective action as needed.

19. All construction activity shall terminate at any site that has surface runoff until runoff ceases and no further storms are forecast for the following 24-hour period.

20. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the stream channel and banks, avoiding areas of concentrated ground squirrel burrows. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream shall be positioned over drip-pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream must be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. No fueling, cleaning, or maintenance of vehicles or equipment shall take place within any areas where an accidental discharge to a watercourse may occur, vehicles must be moved away from the stream prior to refueling and lubrication.

21. Erosion control measures shall be utilized throughout all phases of operation where sediment runoff from exposed slopes threatens to enter waterways. At no time shall silt laden runoff be allowed to enter the stream or directed to where it may enter the stream. Only clean rocks and boulders shall be used for the project. Erosion control structures shall be monitored for effectiveness and shall be repaired or replaced as needed. Build up of soil behind the fence shall be removed promptly and any breaches or undermined areas repaired at once.

22. Erosion control measures shall be monitored during and after each storm event. Modification, repairs and improvements to erosion control measures shall be made whenever needed. Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation, shall be halted until effective Department approved control devices are installed, or abatement procedures are initiated. The Department may take enforcement action if appropriate turbidity and siltation control measures are not deployed.

23. When work in a flowing stream is unavoidable, the entire stream flow shall be diverted around or through the work area during the excavation and/or construction operations. If a diversion is needed, a plan must be submitted to the Department at least 15 days prior to the start of the diversion construction for review and approval prior to diversion construction. Normal flows will be restored to the affected stream immediately upon completion of work at that location.

24. All exposed/disturbed areas and access points within the stream zone left barren of vegetation as a result of the construction activities shall be restored by seeding with a blend

native and non-native erosion control grass seeds. Seeded areas shall be mulched. All other areas of disturbed soil which drain toward the stream channel shall be seeded with erosion control grass seeds. Revegetation shall be completed as soon as possible after construction activities in those areas cease. Seeding placed after October 15 must be covered with broadcast straw, jute netting, coconut fiber blanket or similar erosion control blanket. Erosion control with monofilament shall not be used.

25. Building materials and/or construction equipment shall not be stockpiled or stored where they could be washed into the water or where they will cover aquatic or riparian vegetation.

26. Debris, soil, silt, bark, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the stream. Any of these materials, placed within or where they may enter a stream or lake, by Caltrans or any party working under contract, or with the permission of Caltrans, shall be removed immediately.

27. Caltrans shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.

28. This Agreement does not authorize the take of any state or federally listed species. Liability for any take or incidental take of such listed species remains the responsibility of Caltrans for the duration of the project. Any unauthorized take of such listed species may result in prosecution and nullification of the agreement.

29. Prior to the beginning of any excavation, clearing, grubbing, or staging in or near the riparian area, a focused survey of all potentially suitable California red legged frog (CRLF) habitat shall be conducted 14 days prior to instream construction or disturbance of riparian areas. In the event that a CRLF is observed in the area, work in the riparian area shall be halted and the USFWS shall be contacted to determine appropriate actions. Results of pre-construction surveys shall be reported to the Department.

30. All Terms and Conditions of the USFWS Biological Opinion for the Project shall be adhered to at all times.

31. Prior to the beginning of any excavation, clearing, grubbing, or staging in or near the riparian area, a survey shall be conducted for western pond turtles. If pond turtles are discovered within the work area, the animal shall be relocated by a qualified biologist (as determined by a combination of academic training and professional experience) to an appropriate up or downstream location.

32. If earthwork, clearing and grubbing, or vegetation trimming is scheduled during bird nesting season, February 15 and August 15, pre-construction surveys shall be conducted by a qualified biologist for active bird nests. The surveys shall take place within 3 days prior to the commencement of work. If nesting birds are found a 50-foot radius buffer should be established

around the nest, a 300-foot radius buffer in the case of hawks or owls. If a lapse in project-related work of 5 days or longer occurs, another survey will be required before project work can be reinitiated.

33. Existing culverts and over-crossings shall be inspected for wildlife prior to adjacent, overhead, or nearby construction. If any wildlife is encountered during the course of the inspection, said wildlife shall be allowed to leave the area unharmed, and shall be flushed, hazed, or herded in a safe direction away from the project site. This condition does not allow for the take or disturbance of any state or federally listed species. If bats are found Caltrans shall contact Melissa Escaron, Staff Environmental Scientist at (707)339-0334.

34. If any sensitive species are observed in project surveys, Caltrans shall submit California Natural Diversity Data Base (CNDDDB) forms to the CNDDDB for all preconstruction survey data within five working days of the sightings, and provide DFG Region 3 with copies of the CNDDDB forms and survey maps.

35. To the extent that any provisions of this Agreement provide for activities that Caltrans to traverse another owner's property, such provisions are agreed to with the understanding that Caltrans possesses the legal right to so traverse. In the absence of such right, any such provision is void.

36. In the event that the project scope, nature, or environmental impact is altered by the imposition of subsequent permit conditions by any local, state or federal regulatory authority, Caltrans shall notify the Department of any imposed project modifications that interfere with compliance to Department conditions.

If Caltrans needs more time to complete the authorized activity, the work period may be extended on a day-to-day basis by contacting Melissa Escaron at (707) 339-0334 or the Yountville office at (707) 944-5520.

A copy of this Agreement must be provided to the contractor and all subcontractors who work within the stream zone and must be in their possession at the work site.

Department personnel or its agents may inspect the work site at any time.

Caltrans is liable for compliance with the terms of this Agreement, including violations committed by the contractors and/or subcontractors. The Department reserves the right to suspend construction activity described in this Agreement if the Department determines any of the following has occurred:

- A). Failure to comply with any of the conditions of this Agreement
- B). Information provided in support of the Agreement is determined by the Department to be inaccurate.
- C). Information becomes available to the Department that was not known when preparing the original conditions of this Agreement (including, but not limited to, the occurrence of state or federally listed species in the area or risk to resources not previously observed)

D). The project as described in the Agreement has changed or conditions affecting fish and wildlife resources change.

Any violation of the terms of this Agreement may result in the project being stopped, a citation being issued, or charges being filed with the District Attorney. Contractors and subcontractors may also be liable for violating the conditions of this agreement.

Amendments and Extensions

Caltrans shall notify the Department before any modifications are made in the project plans submitted to the Department. Project modifications may require an amendment or a new notification.

This Agreement is transferable to subsequent owners of the project property by requesting an amendment.

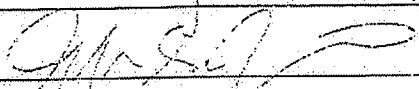
To extend the Agreement beyond the expiration date, a written request or completed "Request to Extend Lake or Streambed Alteration Agreement" form, with an appropriate fee, must be submitted to the Department (1600 Program, Post Office Box 47, Yountville, California 94599) for consideration at least 30 days before the Agreement expiration date. An extension requires a fee. The Fee Schedule and Extension form can be obtained at HYPERLINK "<http://www.dfg.ca.gov/habcon/1600/Forms.html>" www.dfg.ca.gov/habcon/1600/Forms.html or by phone at (707) 944-5520. Extensions of the original Agreement are issued at the discretion of the Department.

To modify the project, a written request for an amendment or a completed "Request to Amend Lake or Streambed Alteration Agreement" form, with an appropriate fee, must be submitted to the Department (1600 Program, Post Office Box 47, Yountville, California 94599). An amendment requires a fee. The Fee Schedule and Amendment form can be obtained at HYPERLINK "<http://www.dfg.ca.gov/habcon/1600/Forms.html>" www.dfg.ca.gov/habcon/1600/Forms.html or by phone at (707) 944-5520. Amendments to the original Agreement are issued at the discretion of the Department. ¹² To modify the project, a written request for an amendment must be submitted to the Department (1600 Program, Post Office Box 47, Yountville, California 94599). The fee for an amendment is one-half (½) of the original fee. Amendments to the original Agreement are issued at the discretion of the Department.

Please note that you may not proceed with construction until your proposed project has undergone CEQA review and the Department signs the Agreement.

I, the undersigned, state that the above is the final description of the project I am submitting to the Department for CEQA review, leading to an Agreement, and agree to implement the conditions above required by the Department as part of that project. I will not proceed with this project until the Department signs the Agreement. I also understand that the CEQA review may result in the addition of measures to the project to avoid, minimize, or compensate for significant environmental impacts:

Applicant's name (print): Jeffrey G. Jensen

Applicant's signature: 

Signed the 27 day of April, 2009